

**Bombshell News in Tello v Lea County Sheriff's Office**

"Mr. Waldo explained that he and Mr. Gubernick are currently deposing Jurado Garcia, and the parties request the Court's assistance regarding Ms. Jurado-Garcia's refusal to answer a question based on Ms. Rogers's advice that the question is harassing."

"Mr. Waldo stated that he has documents showing that a romantic relationship may have existed between Mr. Walker **Lea County Sheriff's Office** and Ms. Jurado-Garcia, and he wishes to ask Ms. Jurado-Garcia about this potential relationship. Mr. Waldo believes that questions about the relationship are relevant because Mr. Walker oversaw the investigation into Ms. Tello."

"Mr. Waldo explained that a romantic relationship would speak to the bias of Mr. Walker towards Ms. Jurado-Garcia and to Ms. Tello's sex discrimination claim because Ms. Jurado-Garcia's conduct that violated the Lea County Sheriff's Department policy went unpunished, but Ms. Tello faced punishment for conduct that violated the same policy. At bottom, according to Mr. Waldo, Defendants conspired to conduct a sham investigation from the beginning, and a romantic relationship between two defendants speaks to that conspiracy."

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Before the Honorable Gregory J. Proust  
United States Magistrate Judge

Chick's Minutes

Ch. No. 24-00390-KG-GJF

Tello v. Lea County Board of Commissioners et al.

Date of Hearing: 6/30/2025  
(not recorded)

Attorneys for Plaintiff	Benjamin Gubernick, Caryn Walsh
Counsel for Lea County Defendants	Benjamin J. Young
Attorney for Defendants Extraordinary	Colby R. Rogers
Attorney for Defendant Taurus	Michael Stuart Howell

Proceedings:  
Start Date: 8/24/2024  
Start Time: 10:00 a.m.  
Total Time: 17 minutes

Chick: JW

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The Court clarified what type of record is being kept of this conference and noted that it is keeping a full record because the Court will keep minutes. The Court asked if Waldo will differentiate the existence of a romantic relationship matter.

Mr. Waldo explained that a romantic relationship would speak to the bias of Mr. Waldo towards Ms. Jurado-Garcia and to Ms. Tello's sex discrimination claim because Ms. Jurado-Garcia's conduct that violated the Lea County Sheriff's Department policy went unpunished, but Ms. Tello faced punishment for conduct that violated the same policy. At bottom, according to Mr. Waldo, Defendants conspired to conduct a sham investigation from the beginning, and a romantic relationship between two defendants speaks to that conspiracy.

The Court asked Mr. Waldo whether he needs to ask any questions besides whether romantic relationship existed and, if so, the relationship's time frame.

Mr. Waldo responded that he would ask (1) whether a romantic relationship existed; (2) whether it was sexual; (3) how long did the relationship last; and (4) whether a relationship was ongoing during the alleged conspiracy.

The Court asked Mr. Waldo why the sexual nature of the relationship is relevant.

Mr. Waldo stated that it speaks to the strength of the relationship and the nature of the bias.

The Court turned to Mr. Rogers.

Mr. Rogers explained that the documents indicating that a romantic relationship exists against defendant or alleged based upon the New Mexico Police Department. Mr. Rogers further explained that Mr. Jurado-Garcia did not participate in the subject investigation conducted by the Carlsbad Police Department, and Mr. Waldo's bill was not used to offset the Carlsbad Police Department. Mr. Rogers stated that questions about a romantic relationship are not relevant but are instead designed to harass or intimidate Mr. Jurado-Garcia.

The Court asked what asking generally about a romantic and sexual relationship are a supervening biasing. The Court asked if Mr. Waldo has any personal documents.

Mr. Rogers responded to the affirmative.

The Court asked if Mr. Waldo was asked about the relationship.

Mr. Rogers responded to the negative.

Mr. Waldo stated that Mr. Waldo was asked about his friendship with Mr. Jurado-Garcia but was not asked follow-up questions.

Mr. Rogers stated that Mr. Waldo's question to Ms. Jurado-Garcia asked specifically about the sexual nature of the relationship.

Mr. Waldo responded that he asked about the romantic nature of the relationship, but he believes he is entitled to an answer to both questions.

The Court asked if it matters that Mr. Waldo was not asked about the relationship.

Mr. Waldo stated that it does not matter, and he may not have had the relevant document before deposing Mr. Waldo.

Mr. Rogers stated that Mr. Waldo had the relevant documents.

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Mr. Waldo responded that he asked about the romantic nature of the relationship, but he believes he is entitled to an answer to both questions.

The Court asked if it matters that Mr. Waldo was not asked about the relationship.

Mr. Waldo stated that it does not matter, and he may not have had the relevant document before deposing Mr. Waldo.

Mr. Rogers stated that Mr. Waldo had the relevant documents.

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Mr. Gubernick stated that it never occurred to him when deposing Mr. Waldo to ask if about the romantic nature of the relationship. Mr. Gubernick further explained that if questions are relevant because Mr. Waldo was the prosecutor of the Carlsbad Police Department's investigation.

For his part, Mr. Young advised that he agrees with Mr. Rogers.

The Court stated that Mr. Waldo may ask (1) about the existence of a romantic relationship between Mr. Waldo and Ms. Jurado-Garcia; (2) the date range of the romantic relationship; (3) whether the relationship included a sexual component or otherwise, but not sexual nature.

Mr. Rogers asked whether Mr. Waldo can ask the second and third questions if Mr. Waldo responds to the first question to the negative.

The Court stated that such an answer would function the same two questions.

The Court adjourned.





UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Before the Honorable Gregory J. Fouratt  
United States Magistrate Judge

Clerk's Minutes

Civ. No. 24-390 KG/GJF

*Tello v. Lea County Board of Comm'rs, et al.*

Date of Hearing: 6/30/2025

(not recorded)

<b>Attorneys for Plaintiff:</b>	Benjamin Gubernick, Curtis Waldo
<b>Attorney for Lea County Defendants:</b>	Benjamin J. Young
<b>Attorney for Defendants Estrada, Jurado-Garcia, and Vizcarra:</b>	Cody R. Rogers
<b>Attorney for Defendant Porras:</b>	Michael Truett Newell
<b>Proceedings:</b>	Discovery Conference
<b>Start Time:</b>	1:39 p.m.
<b>Stop Time:</b>	1:56 p.m.
<b>Total Time:</b>	17 minutes
<b>Clerk:</b>	JW

Notes:

- The Court made introductions.
- Mr. Waldo explained that he and Mr. Gubernick are currently deposing Defendant Jurado-Garcia, and the parties request the Court's assistance regarding Ms. Jurado-Garcia's refusal to answer a question based on Ms. Rogers's advice that the question is harassing.
- Mr. Waldo further explained that Plaintiff's theory of the case is that Ms. Jurado-Garcia and co-defendant Michael Waldo are co-conspirators in the scheme to humiliate Ms. Tello and cause her to lose her job. Mr. Waldo stated that he has documents showing that a romantic relationship may have existed between Mr. Walker and Ms. Jurado-Garcia, and he wishes to ask Ms. Jurado-Garcia about this potential relationship. Mr. Waldo believes that questions about the relationship are relevant because Mr. Walker oversaw the investigation into Ms. Tello.

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- The Court clarified what type of record is being kept of this conference and noted that it is fine keeping it off the record because the Court will keep minutes. The Court asked Mr. Waldo what difference the existence of a romantic relationship makes.
- Mr. Waldo explained that a romantic relationship would speak to the bias of Mr. Walker towards Ms. Jurado-Garcia and to Ms. Tello's sex discrimination claim because Ms. Jurado-Garcia's conduct that violated the Lea County Sheriff's Department policy went unpunished, but Ms. Tello faced punishment for conduct that violated the same policy. At bottom, according to Mr. Waldo, Defendants conspired to conduct a sham investigation from the beginning, and a romantic relationship between two defendants speaks to that conspiracy.
- The Court asked Mr. Waldo whether he needs to ask any questions besides whether a romantic relationship existed and, if so, the relationship's time frame.
- Mr. Waldo responded that he would ask (1) whether a romantic relationship existed; (2) whether it was sexual; (3) how long did the relationship last; and (4) whether the relationship was relevant to the case.

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investigation into Ms. Tello.

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- The Court asked Mr. Waldo whether he needs to ask any questions besides whether a romantic relationship existed and, if so, the relationship's time frame.
- Mr. Waldo responded that he would ask (1) whether a romantic relationship existed; (2) whether it was sexual; (3) how long did the relationship last; and (4) whether the relationship was ongoing during the alleged conspiracy.
- The Court asked Mr. Waldo why the sexual nature of the relationship is relevant.
- Mr. Waldo stated that it speaks to the strength of the relationship and the nature of the bias.
- The Court turned to Ms. Rogers.
- Ms. Rogers explained that the documents indicating that a romantic relationship existed appear fabricated or altered, based upon the New Mexico State Police investigation. Ms. Rogers further explained that Ms. Jurado-Garcia did not participate in the underlying investigations conducted by the Carlisbad Police Department, and Mr. Walker's alleged bias could not affect the Carlisbad Police Department. Ms. Rogers stated that questions about a romantic relationship are not relevant but are instead designed to humiliate and embarrass Ms. Jurado-Garcia.
- The Court stated that asking generally about a romantic and sexual relationship are not especially harassing. The Court asked if Mr. Walker has been deposed.
- Ms. Rogers responded in the affirmative.
- The Court asked if Mr. Walker was asked about the relationship.
- Ms. Rogers responded in the negative.
- Mr. Waldo noted that Mr. Walker was asked about his friendship with Ms. Jurado-Garcia but was not asked follow-up questions.
- Ms. Rogers noted that Mr. Waldo's question to Ms. Jurado-Garcia asked specifically about the sexual nature of the relationship.
- Mr. Waldo responded that he asked about the romantic nature of the relationship, but he believes he is entitled to an answer to both questions.
- The Court asked if it matters that Mr. Walker was not asked about this relationship.
- Mr. Waldo stated that it does not matter, and he may not have had the relevant documents before deposing Mr. Walker.
- Ms. Rogers stated that Mr. Waldo had the relevant documents.

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- Mr. Gubernick stated that it never occurred to him when deposing Mr. Walker to ask him about the romantic nature of the relationship. Mr. Gubernick further explained that the questions are relevant because Mr. Walker set the parameters of the Carlisbad Police



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- Ms. Rogers stated that Mr. Waldo had the relevant documents.

- Mr. Gubernick stated that it never occurred to him when deposing Mr. Walker to ask him about the romantic nature of the relationship. Mr. Gubernick further explained that the questions are relevant because Mr. Walker set the parameters of the Carlsbad Police Department's investigation.
- For his part, Mr. Young advised that he agrees with Mr. Rogers.
- The Court stated that Mr. Waldo may ask (1) about the existence of a romantic relationship between Mr. Walker and Ms. Jurado-Garcia; (2) the date range of the romantic relationship; (3) whether the relationship included a sexual component or dimension, but nothing further.
- Ms. Rogers asked whether Mr. Waldo can ask the second and third questions if Ms. Jurado-Garcia responds to the first question in the negative.
- The Court stated that such an answer would foreclose the next two questions.
- The Court adjourned.



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